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NORTHERN DISTRICT OF ILLINOISAPR 16 2008 *aw*
APR 16, 2008
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

United States of America ex rel.

LUIS MARTINEZ 2006-000-7243

(Full name and prison number)

(Include name under which convicted)

PETITIONER

CASE NO:

(Supplied by Clerk of this Court)

08CV2289**JUDGE ANDERSEN****MAG. JUDGE COX**Superintendent Jackson Div 8 Rtu
THOMAS DART, COOK COUNTY SHERIFF(Warden, Superintendent, or authorized
person having custody of petitioner)

RESPONDENT, and

(Fill in the following blank only if judgment
attacked imposes a sentence to commence
in the future)

ATTORNEY GENERAL OF THE STATE OF

Case Number of State Court Conviction:

(State where judgment entered)

06-CR-3231 Pending-trial**PETITION FOR WRIT OF HABEAS CORPUS -- PERSON IN STATE CUSTODY**1. Name and location of court where conviction entered: CASE STILL pendingCOOK county circuit court

2. Date of judgment of conviction: _____

3. Offense(s) of which petitioner was convicted (list all counts with indictment numbers, if known)

4. Sentence(s) imposed: _____

5. What was your plea? (Check one)

(A) Not guilty ☒(B) Guilty ☐(C) Nolo contendere ☐

If you pleaded guilty to one count or indictment and not guilty to another count or indictment, give details:

PART I -- TRIAL AND DIRECT REVIEW

1. Kind of trial: (Check one): Jury () Judge only () *Case still pending*
2. Did you testify at trial? YES () NO ()
3. Did you appeal from the conviction or the sentence imposed? YES () NO ()

(A) If you appealed, give the

- (1) Name of court: _____
- (2) Result: _____
- (3) Date of ruling: _____
- (4) Issues raised: _____

(B) If you did not appeal, explain briefly why not: _____

4. Did you appeal, or seek leave to appeal, to the highest state court? YES () NO ()

(A) If yes, give the

- (1) Result: _____
- (2) Date of ruling: _____
- (3) Issues raised: _____

(B) If no, why not: _____

5. Did you petition the United States Supreme Court for a writ of *certiorari*? Yes () No ()

If yes, give (A) date of petition: _____ (B) date *certiorari* was denied: _____

PART II - COLLATERAL PROCEEDINGS

1. With respect to this conviction or sentence, have you filed a post-conviction petition in state court?

YES () NO () CASE still pending

With respect to *each* post-conviction petition give the following information (use additional sheets if necessary):

A. Name of court: _____

B. Date of filing: _____

C. Issues raised: _____

D. Did you receive an evidentiary hearing on your petition? YES () NO ()

E. What was the court's ruling? _____

F. Date of court's ruling: _____

G. Did you appeal from the ruling on your petition? YES () NO ()

H. (a) If yes, (1) what was the result? _____

(2) date of decision: _____

(b) If no, explain briefly why not: _____

I. Did you appeal, or seek leave to appeal this decision to the highest state court?

YES () NO ()

(a) If yes, (1) what was the result? _____

(2) date of decision: _____

(b) If no, explain briefly why not: _____

2. With respect to this conviction or sentence, have you filed a petition in a state court using any other form of post-conviction procedure, such as *coram nobis* or habeas corpus? YES () NO () CASE Still pending

A. If yes, give the following information with respect to each proceeding (use separate sheets if necessary):

1. Nature of proceeding _____
2. Date petition filed _____
3. Ruling on the petition _____
3. Date of ruling _____
4. If you appealed, what was the ruling on appeal? _____
5. Date of ruling on appeal _____
6. If there was a further appeal, what was the ruling? _____
7. Date of ruling on appeal _____

3. With respect to this conviction or sentence, have you filed a previous petition for habeas corpus in federal court? YES () NO ()

A. If yes, give name of court, case title and case number: _____

B. Did the court rule on your petition? If so, state

- (1) Ruling: _____
- (2) Date: _____

4. WITH RESPECT TO THIS CONVICTION OR SENTENCE, ARE THERE LEGAL PROCEEDINGS PENDING IN ANY COURT, OTHER THAN THIS PETITION?

YES ☒ NO ()

If yes, explain: CASE Still pending I am Seeking Emergency Temporary Injunction relief on The Facts stated herein.

PART III -- PETITIONER'S CLAIMS

1. State briefly every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. You may attach additional pages stating additional grounds and supporting facts. If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds later.

BEFORE PROCEEDING IN THE FEDERAL COURT, YOU MUST ORDINARILY FIRST EXHAUST YOUR STATE COURT REMEDIES WITH RESPECT TO EACH GROUND FOR RELIEF ASSERTED.

(A) Ground one SEEKING EMERGENCY TEMPORARY PRELIMINARY INJUNCTION
Supporting facts (tell your story briefly without citing cases or law):

RELIEF. ALSO, I AM SEEKING THE FEDERAL COURTS WHO HAVE THE POWER TO ENJOIN IN THIS CRIMINAL INVESTIGATION, TO MAKE PROSECUTORIAL DECISIONS BECAUSE THE PROSECUTION OF THIS CASE IS BASED ON FALSIFIED DOCUMENT AND CRIMINAL CORRUPTION, AND RACIAL ANIMUS THESE CONSPIRATORS LISTED IN MY COMPLAINTS, AND PETITION CONSPIRED AMONG EACH OTHER IN AGREEMENT BECAUSE OF THEIR RACIAL DISCRIMINATION FILED FABRICATED FALSE DOCUMENTS TO CONCEAL THE TRUE FACTS OF THIS CRIME, AND TO COVER UP THIS FALSE ARREST, AND USE OF EXCESSIVE FORCE BY POLICE

(B) Ground two PROSECUTORS PROSECUTED FALSE CRIMINAL CHARGES ON PLAINTIFF
Supporting facts:

IN BAD FAITH BASED ON THEIR PERJURED TESTIMONIES PRESENTED TO THE GRAND JURY OF THIS CASE AND BASED ON THE EVIDENCE PROVIDED IN THIS PETITION AND EXHIBITS THAT PROVE THAT PROSECUTORS IN AGREEMENT WITH COUNSEL FILED A FABRICATED ILLEGAL DOCUMENT IN AGREEMENT WITH THE JUDGE AND FORENSIC SCIENTIST TO FRAME ME WITH A CRIME I DID NOT COMMIT. THE EXHIBIT ATTACHED TO THIS PETITION WOULD PROVE THIS SEE ALSO ATTACHED TO THIS PETITION EXHIBITS, AND OTHER GROUNDS SUPPORTING FACTS WHY INJUNCTION SHOULD BE GRANTED

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

LUIS A. MARTINEZ
plaintiff,

CASE NO.

- VS -

THE PEOPLE OF THE STATE OF ILLINOIS,
Defendants.,

INSTANTER

NOW COMES, THE PLAINTIFF, LUIS A. MARTINEZ;

IN THE FORGOING CAUSE OF ACTION PURSUANT UNDER
FEDERAL RULE OF CIVIL PROCEDURE 65(2)1 AND
RESPECTFULLY ASKING THIS HONORABLE COURT TO GRANT
SAID PLAINTIFF PETITION FOR TEMPORARY PRELIMINARY INJUNCTION
STOPPING PLAINTIFF CRIMINAL PROCEEDINGS.

IN SUPPORT THEREOF PLAINTIFF STATES THERE OF,
THE FOLLOWING FACTS.

1. THAT THE plaintiff, Luis Martinez, is THE TRUE Person Bringing This cause of Actions.

2. The proof of This case is BASED on conspiracies To violate plaintiff's civil rights 1983 As Follows police conspired in Conjunction And Assisted and planned with THE STATES ATTORNEY And public defenders And A Forensic Scientist, And the Judge of This case To Engage in A criminal ACT of corruption in Agreement with THE STATES ATTORNEY TO file false criminal charges maliciously on plaintiff After police unlawfully falsely Arrested plaintiff illegally police Officers And Chicago police dept headQuaters Division Of internal Affairs investigator Sergeant Kane all conspired unlawfully in conjunction And filed false police reports To cover up for police misconduct Abuse explained in Details in the preliminary Injunction petition for the purpose TO MAKE the unlawful Arrest look legit Counsel Richard PAULL and Deana Binstock, because of Racial Animus in Agreement with THE STATES ATTORNEY Agreed TO conspire TO fabricate false document that disregards for the truth of the DNA evidence of This case And planted false document THAT IS fabricated That Now Frames ME with A crime I did not commit And Deprives ME of A Fair trial And The bias Judge of this case has knowledge of this problem and has Also Engaged in conspiracy All of plaintiff Court records in the Circuit clerks possession Are NOT legally Certified Documents by the clerk And were illegally filed by counsel, STATES

3),
Attorney, police, Internal Affairs Investigator All Filed
including Forensic Scientist of this case fabricated false
evidence, documents, fabricated false DNA results that
was deliberately fabricated by the government in conspiracies
to frame plaintiff to a crime he did not commit SEE All
plaintiffs exhibits ATTACHED TO his petition TO
Support This Complaints

Wherefore Luis A. Martinez prays that This honorable court
Grant plaintiff petitions seeking Emergency Temporary preliminary
Injunction and plaintiff seeks the Federal courts who have the power
to enjoin in this criminal investigation and to make a prosecutorial Decision
because the prosecution of this case is based on Racial Animus TO harass
and intimidate plaintiff from ~~exercise~~ and deprive plaintiff of his consti-
tutional, Rights And the tribunal of this case is biased which plaintiff
is now in the process of filing A civil suit for violations of his
civil Rights therefore plaintiff prays This honorable court grant this
petition in the Spirit of Justice

Respectfully submitted
Luis A. Martinez

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

Luis A. Martinez,
Plaintiff,
- VS -

CASE NO. _____

THE PEOPLE OF THE STATE OF ILLINOIS,
Defendants,

EMERGENCY

TEMPORARY PRELIMINARY INJUNCTIONS

Now comes, the Plaintiff, Luis A. Martinez,

IN THE FORGOING CAUSE OF ACTION PURSUANT,
UNDER FEDERAL RULE OF CIVIL PROCEDURE 65(a),
AND RESPECTFULLY ASKING THIS HONORABLE COURT TO GRANT
SAID PLAINTIFF PETITION FOR TEMPORARY PRELIMINARY INJUNCTION
STOPPING PLAINTIFF CRIMINAL PROCEEDINGS.

IN SUPPORT THEREOF, PLAINTIFF STATES THEREOF,
THE FOLLOWING FACTS.

1. THAT THE PLAINTIFF, Luis A. Martinez, IS THE TRUE
PERSON BRINGING THIS CAUSE OF ACTION.

2. THAT THE plaintiff is A DETAINEE IN THE
DEPARTMENT OF CORRECTION OF COOK COUNTY Jail

BACK Ground

3. THAT plaintiff is REQUESTING THIS Honorable COURT TO ISSUE AN ORDER OF TEMPORARY preliminary INJUNCTION BECAUSE THE prosecution IN THIS case IS INSTITUTED in bad FAITH and THE CRIMINAL STATUTE is FLAGRANTLY And PATENTLY unconstitutional
4. plaintiff is SEEKING relief of INJUNCTION BECAUSE THE TRIBUNAL OF THIS case is BIASED And THE prosecution OF THIS case WAS BROUGHT in RETALIATION TO discourage THE EXERCISE of constitutional RIGHTS
5. plaintiff is SEEKING relief of TEMPORARY INJUNCTION BECAUSE plaintiff is in process of filing A civil Right lawsuit FOR A violation OF plaintiff FEDERAL civil Rights THAT is PERTAINING TO THE proceeding OF this case plaintiff is REQUESTING for preliminary INJUNCTION until this Suit is reviewed by THE Federal courts and solved,

FACTS

6. On January 1, 2006 AT Approximately 19:00 hours PM Plaintiff WAS ADMITTED BY Psychiatrist Doctors TO RECEIVE MENTAL ILLNESS TREATMENT IN A PSYCHIATRIC MENTAL INSTITUTION. FOR HIS DIAGNOSED MENTAL ILLNESS,
7. Plaintiff WAS BROUGHT BY Ambulance TO Madden Mental Institution AT 1200 S. First Ave Maywood Illinois TO RECEIVE MENTAL ILLNESS TREATMENT AFTER DOCTORS AT NORTHWESTERN HOSPITAL DISCOVERED THAT plaintiff WAS SUICIDAL AND A DANGER TO HIMSELF DOCTORS SUGGESTED plaintiff TO RECEIVE MENTAL ILLNESS treatment,
8. While plaintiff receiving AT THE MENTAL Institution plaintiff WAS UNDER suicide watch by psychologist doctors and unstable psychologist planned when plaintiff BE released from the MENTAL Institution psychiatrist were trying TO place plaintiff in A group HOME living THAT is under WATCH 24 hours for people who HAVE serious MENTAL ILLNESS and are IN DANGER TO THEMSELVES, police officers from THE
9. 3rd District Police Station located AT 2452 W. BELMONT Avenue Chicago Illinois OFFICER SCHOBER BADGE # 20542 (PCOH317), OFFICER ORTIZ B.C BADGE number 10016 (PCOE 936) OFFICER FLORES JR, H BADGE number 1116 (PCOS 171) OFFICER PECK JR, RE BADGE number 20711, (PCON 160),

10. plaintiff was Intentionally discriminated because of his race by police In violation of his fourteenth Amendment Constitutional Right police deprived plaintiff of his civil Rights when officers engaged In Illegal conspiracies in violation of civil Rights of 1983 and systematic Sweeps of neighborhoods officers conspired Among themselves And planned to deprive plaintiff of his constitutional rights Motivated by plaintiff race by use of Domestic battery by police officers beat plaintiff up And forced plaintiff out the Mental institution And seized plaintiff person from his private place of resident.

11. without A warrant while plaintiff was not under Arrest without NO DNA evidence that connected plaintiff to A Crime or with out NO evidence at all or a reasonable Suspicion, or probable cause that plaintiff engaged in Criminal Activity or without Any warrants Identifying The seizure of A DNA Buccal swab to be seized from plaintiff police ascertained plaintiff race before initiating Thier stop And officers made repeated racial Epithet by unnecessary calling plaintiff a Nigger and A Spick using other Foul language that were disrespectful in violation of The Racially motivated Misconduct of Equal Protection principles

12. police violated plaintiff Right To be free from unreasonable Detention, search and seizure under the Fourth Amendment All officers NAMED Arrived at The Mental Institution repeatedly yelling AT plaintiff racial epithet, without A warrant police MADE A warrantless entry in plaintiff private place of Resident without EXigent Circumstances TO make A pretext Arrest TO search for Evidence TO connect plaintiff with A crime
13. police Told plaintiff That He was not A suspect TO A crime or that He was not under Arrest And That there WAS NO legal warrant for his Arrest police officers stated That plaintiff was Discovered Through previous Address database And All they want to do is Ask several Questions, officers Told plaintiff That he NEEDS TO be TAKEN TO The police station for further Questioning plaintiff Refused
14. police violated plaintiff Right To safety in A Mental Institution when by use of unreasonable Excessive force And Domestic violence Knowing That plaintiff was NOT A Threat TO police And plaintiff was unarmed plaintiff was not resisting Arrest police unreasonably using racial epithet forced plaintiff TO The ground in A kneeling position while Mentally disorientated And Threw plaintiff on The Ground

15. plaintiff was kicked on the side of his ribs and back while on the ground by police officer then using foul language kneed plaintiff while laying on the ground with his knee on plaintiff back and neck with strong pressure officers then by use of excessive force handcuffed plaintiff too tight for several hours until plaintiff could not feel his hands anymore and plaintiff suffered numbness injuries and pain, plaintiff suffered extreme pain in his back, ribs, neck

16. plaintiff had not physically resisted or assaulted police in any way and the force use against plaintiff was unnecessary unreasonable, and racial, excessive plaintiff police officers then forced plaintiff to 3rd District police station nonconsensual while not under arrest for questioning to be linked with a crime the judge of this case has personal knowledge of this conspiracy and police misconduct and plaintiff civil rights violation and were as in my criminal case the judge is disregarding these issues and these federal constitutional violation and now the judge is enforcing me to go to trial plaintiff was forced by police to participate in a involuntary interrogation that was coercive in violation of substantive due process rights

These conspirators Forensic scientist, Counsel, judge, STATES ATTORNEYS, Police officers, conspired among themselves jointly To Engage in a unlawful Act and in Agreement To cover up Exonerating Evidence that exclude plaintiff as the donor of this Evidence prosecutors in a bad faith prosecution concealed from The courts To support police illegal Destruction of this evidence To Falsely file False criminal Charges on plaintiff on fabricated False documents for unfounded criminal charges could be pending Against To bring down and destroy people of Minority race for No wrong doing All of these conspirator Misused thier power possessed by virtue of STATE law and made possible only because these wrongdoers are clothed with the authority of STATE law police officers Acted under color of law and obstructed justice And concealed these true facts that EXIST OF A DNA MATCH OF someone else on April 19, 2005 The victim of this case After being sexually Assaulted by some One else. that was NOT ME.

Officers Took the victim of this crime To Lincoln park hospital Late Night on April 19, 2005 After the Assault Took place See EXHIBIT 1 ATTORNEY work product sheet made by public defender Richard PAULL Indicates that the victim was Taken to the hospital AFTER this ATTACK Counsel, judge, prosecutors in Agreement with each other with police and others COMMITTED A crime of conspiracy And Falsely Told plaintiff To Misteal him and prosecutors, and counsel Told the judge that the victim OF this case called police to report this crime April 21, 2005 AT 11:40pm and on 4/22/05 AT 1:46 am A pair

Of panties was recovered by Grant and put in inventory # 10520806 SEE ALSO in exhibit 4 Answer TO Discovery Sheet Page 3 Indicates that in Inventory number 10520806 there is 1 pair of women's underwear in evidence which was recovered 4 days later According to THE ATTORNEY work product Document counsel filed this false fabricated ATTORNEY work product sheet TO conceal that SEE exhibit 2.) Arrest report page 2 of 5 indicate that the witness of this crime was taken to the Lincoln Park hospital AT the hospital A trained personnel sexual assault nurse examined the victim According to the arrest report the physician used a sexual assault kit TO collect seminal sample from the victim's Vagina A vaginal swab was taken from the victim

And the presence of semen was found on the swab The personnel who examined collected as evidence the victim's clothing and panties Because the panties had a large semen sample on it the panties were collected April 19, 2005 NOT April 22, 05 The DNA samples were forwarded TO A forensic biologist for DNA typing and comparison NAME K. Behle Biologist The Biologist developed the same DNA profile from the seminal stain found on the swab and panties that was recovered as evidence forensic biologist submitted the profile developed from the vaginal swab, and panties The biologist searched the profile against the CODIS federal DNA index offenders profiles, convicted offender index profiles stored in CODIS of felony sex offenders, and violent offenders to see if a hit and match could be made when the sample was submitted in CODIS the computer software automatically searched these two indexes

In CODIS convicted offenders index which contains DNA profiles of Felony sex offenders, and violent criminal DNA profiles and The Forensic index which has DNA profiles from crime scene evidence of NO suspect such as Blood and semen This was the current version used by the Forensic Biologist when she submitted the DNA profile Developed from the panties, and vaginal swab this Forensic Biologist made a match between the Develop profile from the DNA evidence recovered by the personnel at Lincoln park hospital and a stored profile of A convicted offender of a known sex offender, or a violent offender Already in CODIS convicted offender index NOT the Illinois DNA index Christopher Webb and on 11/22/05 confirmed also a DNA match of someone else Kathleen Kozak A Forensic Scientist also confirmed a DNA match of someone else all of these Forensic Biologist, and Forensic Scientist all generated a laboratory report that reported this sex offender or violent offender profile in CODIS as the donor of the evidence found by the personnel at Lincoln park hospital This Laboratory report reported the statistical frequency which estimates how rare the evidence profile is in various large ethnics populations counsel and prosecutors in Agreement Acted

jointly and conspired in Agreement to deprive me of Liberty and illegally removed and destroyed this exculpatory information from the DNA chain of custody of this case, and concealed these exculpatory sources of evidence from the courts and counsel assisted police officers in this case in conspiracy when he falsified these facts in the Attorney work product sheet to deprive me of

Liberty And Filed Fabricated Documents To Frame me with this crime Counsel fraudulently then filed this false Mistake Attorney work product sheet that indicated that the victims pair of panties was discovered 3 days later at her college Dorm because police illegally placed my DNA Buccal swab on another pair of panties that was NOT the original one discovered at the hospital to cover up the destruction of evidence and for false criminal charges could be put against me and to continue to act in concert with other conspirators Counsel in Agreement with the States Attorney To Deprive plaintiff of A unfair trial prosecutors in Bad Faith on A Motion hearing for probable cause Determination held on 03 - 13-07 presented these perjured testimony that this pair of panties was recovered 3 days later AT this Victim college Dorm because they were in Agreement to conceal the truth there is NO legal basis for this arrest and plaintiff have been held falsely imprisoned these true facts were distorted, and concealed Quinton pitlock plaintiff Attorney Because he is in Agreement with these other conspirators to obstruct justice he failed to litigate, and reveal promptly to the courts Richard paul and Deana Binstock distorted and corrupted the process of Law along with other conspirators

and aided and Abetted the State prosecutors, and police
To file false police reports, prosecutors presented perjured
statements and false fabricated documents filed illegally
with the clerks office To frame me with this crime
The misleading written false Stipulation Document Shows the
flawness of this case and corruption committed by these conspirators
who Agreed To Deprive me of A fair trial in # 12 in exhibit
3 Stipulation document Indicates that this verification process
also entails DNA analysis of an additional new buccal swab from
the convicted offender sample kit To verify the DNA profile in
CODIS is correct there is no verification no where in the record
of this case that Kathleen Kozak the Forensic Scientist verified
the DNA profile that was given to Law enforcement was correct
Because she made no verification of that profile The stipulation
document indicated that DNA analysis of A new buccal swab
from the convicted offender kit was to be verified by Kathleen
Kozak the wrong profile was given to police because Kathleen
Kozak the CODIS Administrator did not analyze an additional
new buccal swab To verify that this profile written
falsely was correct verification of A new buccal swab was not

Taken and done until 2/23/06 by Kelly Ashton NOT by Kathlee Kozak the Cadis Administrator Counsel stipulated to this Fraud False untrue document improperly to Deprive me of A Fair trial After writing falsely in Agreement with prosecutors that my DNA profile match as A hit the evidence sample knowing that there was A DNA match on someone else and my profile was released to Law enforcement Before my DNA Buccal Swab was taken ~~illegally~~ and those results were given taken ~~illegally~~ without Kathleen Kozak given verification that this profile was correct knowing that there was NO need for verification of A new buccal swab of plaintiff Because there was a DNA match on someone else This was done by conspirators to cover up traces of thier criminal Activity False Arrest, and To continue to conceal the true facts of this case The judge of this case James B. Linn Aided and Abetted And participated in this conspiracy because his prejudicial and Racial bias has knowledge that these conspirators including him have obstructed justice And has failed to present this exculpatory Evidence The judge has power to prevent this conspiracy from causing any more injuries or Constitutional violation but has

refused and has disregarded this criminal activity because he is also involved and a complaint is pending with the judicial Inquiry board to investigate this racial judge criminal corruption because he continuously provide plaintiff with unfair judgement and refuses to inspect these documents that prove that DNA samples were taken by Lincoln Park personnel on the same day this crime was committed from inside of this victim and matched someone else and not 4 days later he also has knowledge of conspirators wrong full act and has failed to prevent any more injury to plaintiff or has refused to stop further criminal activity by conspirators because the judge has engaged in a bribery offense to deprive plaintiff of his constitutional right on plaintiff last court date April 4, 08 plaintiff requested the judge to investigate these documents that are illegally detainee and framing plaintiff to this crime innocently. For 2 years and 3 months judge linn ignored this exculpatory facts and to cover up for other conspirators and to conceal further the truth of the evidence of this case and to cover up for his own self-protection and others for the crime they have committed jointly after I told him I have documents I have for him to review today that would help in proving my innocence and would dismiss this case

he refused to let me address these issues in his court room and refused to inspect and review these documents and has disregarded all these facts he now unnecessarily in Agreement with a psychologist requested to me to be given a psyc. evaluation a mental fitness examination after I showed him documents that prove my innocence and that were filed falsely in agreement with counsel acting jointly counsel falsely Lied to the judge misleading him to believe that I failed to cooperate with him as a cause of retaliation because complaints were filed and are pending Against him with the A.R.D.C commission and all 3 conspirators the judge, counsel and a state psychologist are now planning to COMMIT plaintiff

involuntary to a mental Institution knowing that he is fit to stand trial and understands the proceeding of this case very well for plaintiff could recklessly receive involuntarily anti psychotic drugs to cause permanent damage to plaintiff Brain system and permanent disabling side effects and could affect plaintiff Ability to think clearly AS A retaliation Against plaintiff I am requesting this court to please STOP this happening And remove this judge from making judgement on my LIFE and to please conduct A Federal investigation for this criminal justice system corruption SEE exhibit 4. FIT TO stand trial Document proves this evaluation is unnecessarily given unreasonable

20. a single person is expected to contribute at most two alleles for each locus more than two peaks were visible at locus police arrested the wrong person and they had the knowledge forensic scientist has unreported these problems that exonerate me and these unreported problems were not reported and the DNA incriminates plaintiff Christopher Webb after developing a DNA profile from the seminal stain DNA sample that contain DNA from two or more individuals the analyst searched the profile against the Federal Bureau of investigation National DNA index system forensic Database CODIS convicted offender Index which contains DNA profile of individuals convicted of felony sex offenses and other violent crimes to see if a hit and match could be made Christopher Webb lab analyst confirmed a DNA match on someone else with a DNA profile in the Federal CODIS convicted offenders index convicted of felony sex offense or a violent crime that was not plaintiff but before confirming a DNA match of a known sex offender, or violent offender in CODIS Christopher Webb after developing a DNA profile from a mixture of two or more seminal stains mixed together in one DNA sample found on the panties although the sample was insufficient and degraded, and contaminated the analyst searched the develop incomplete profile in the Illinois DNA STATE index CODIS and did not find any hit or match NO DNA profiles in the Illinois DNA STATE index matched the incomplete DNA profile develop from the panties

2.1. plaintiff does not have A DNA profile in The National DNA index SYSTEM (Federal CODIS) which The current version of CODIS uses two indexes To generate investigative leads in crimes where biological evidence is recovered from The crime Scene The convicted offender index contains DNA profiles of individuals convicted of felony sex offenses And other violent crimes CODIS utilizes Computer software To automatically search it two indexes for matching DNA profiles this was The current version of CODIS used Christopher Webb Submitted The incomplete DNA profile Developed from The panties Submitted it in The federal CODIS DNA Databank for Identification purposes and CODIS utilized The computer software To automatically search its two indexes WERE A DNA match was found of Someone else To support This complaint See exhibit 1.) The Attorney work product Document That indicated on 8/31/05 DNA was Developed from A female underwear on 9/01/05 CODIS Run/hit on A convicted offender of A felony sex offense, or violent offender when Christopher Webb the analyst searched the profile Against the CODIS database convicted offender indexes That contains DNA profiles of felony sex offenders and violent offenders Christopher Webb Confirmed a hit on someone else on 10/25/05 CODIS Alerted To C.P.D And provided a biography picture and other information And DNA profile of The right person The hit confirmed That

22. The DNA profile of A individual convicted of A felony sex offense, or A DNA profile of A violent offender NOT plaintiff from someone already in The database could reliably be typed and matched back to That SAME person And CODIS Alerted The Chicago police Dept of this individual that was NOT plaintiff On 11/22/05 A Lab report was made and Generated by Christopher Webb which reported this convicted offender DNA profile of someone else as The donor of The DNA evidence found on The panties and reported A statistical frequency which estimated how rare The evidence profile is in various large ethnic population groups, plaintiff has never been Obligated by law to provide A DNA sample for genetic Testing for A conviction of A sex crime or A conviction of A violent crime and The Director of The Federal Bureau of investigation who shall carry out a DNA Analysis of The sample and include The results in CODIS convicted offender Index Federal National DNA Databank which contains DNA profiles of individuals convicted of felony sex offenses And other violent crimes Therefore I should not have A DNA profile in Federal CODIS because I do NOT FIT The Legal Qualifications To be A part of This database SEE Exhibit 2 Qualifications of CODIS And type of offenders who have DNA profiles in Federal CODIS The Judge of This case has disregarded These issues pertaining to my case and has knowledge that there is A DNA match on someone else and has the power To prevent A wrongful conviction but has failed to dissmis These charges because he has engaged in A conspiracy under 42 U.S.C.A. 1986

23. because of Racial animosity plaintiff have been dislike and discriminated by the courts and police officers who have knowledge of the fact that plaintiff is innocent and that police has made a false arrest because they had the knowledge that there is a DNA match on someone else and plaintiff is NOT to be blame for this crime because of racial animosity plaintiff has been intentionally discriminated by police because plaintiff is of a racial minority plaintiff was treated different than a white person police did not have a reasonable suspicion or probable cause to stop and illegally seize plaintiff from his private place of resident without a warrant 10 months later after this crime was committed because of racial profiling plaintiff was beaten by police because of his race then police manipulated a line-up and allowed plaintiff to be seen by the victim in handcuffs before a line-up occurred and told the witness to pick plaintiff from the line-up knowing that plaintiff did not match at all the victims physical description of her attacker in certain key details

24 During a illegal interrogation plaintiff was handcuffed by police while NOT under arrest for 7 hours without water or psychotropic medications and without counsel and in pain from the brutal beating he unreasonably received from police plaintiff requested counsel and was denied counsel plaintiff requested medical assistance and his medications but was denied medical treatment and medications and plaintiff was at risk of physically harming himself

part of
pg. 24
because plaintiff had highly suicidal intentions because plaintiff treatment was not complete AT the Mental institution plaintiff 8th Amendment const: Right of cruel And unusual punishment clause was violated
• plaintiff was disorientied and confused and his Mental capacity was not Stable police Took advantage of his mental condition at The time being through A illegal interrogation that was coercive tricked, and lied To plaintiff And requested plaintiff To sign a release form police told plaintiff If the form was signed he will be release from jail plaintiff signed The form while not in his Right STATE of mind not knowing The form was really a consent form consenting To A DNA Buccal Swab because police never Ask for my Consent To A DNA Buccal Swab After The form was signed NOT knowingly police then told plaintiff To Stand up while handcuffs behind plaintiff back police then put plaintiff in the choke hold Told plaintiff to open his mouth plaintiff opened it Because he was Afraid of receiving Bodily harm police then unreasonably Took A DNA Buccal swab without probable cause recklessly NOT given knowingly and voluntarily After the sample was taken plaintiff was Arrested there was no reasonable grounds for the arrest or to seize illegally A DNA sample because before the DNA Buccal swab was taken police had the knowledge That there was A DNA match on someone else And plaintiff did NOT match the physical description of the Attacker the victim identified at the time of reporting this crime the arrest was made and use as a pretext To A search for evidence in violation of the Fourth Amendment plaintiff was Arrested without Any legal process The court has disregard these issues pertaining To this case the court also has disregard That plaintiff was misidentified at a line-up These searches were conducted for harrasment purposes and was A pretextual search which does not correspond to police real purposes

25. The seizure was A invasion of privacy police recklessly After the seizure of the warrantless DNA Buccal swab Taken illegally by use of excessive force unreasonably police used the DNA Buccal swab As the fruits of the crime Officers illegally removed from the DNA chain of custody The original pair of panties And The vaginal swab kit evidence recovered at the Lincoln park hospital personnel which had A seminal stain of someone else That was not plaintiff officers illegally destroyed that pair of panties recklessly And planted another pair of panties illegally in the chain of custody That was not the original pair with plaintiff DNA Buccal swab on it police planted plaintiff DNA Buccal swab on this different pair of panties because police wanted to connect plaintiff to this crime with DNA evidence The courts have disregard these issue pertaining to this case

26. plaintiff is requesting for The this Federal court TO Enjoin criminal investigation because plaintiff was prosecuted by motive of racial animus to deter plaintiff of his constitutional right and all the Documents in the government possession pertaining to this case were obtained and made by illegal means plaintiff is seeking Temporary injunction because of plaintiff race and police misconduct police officer maliciously under A malicious prosecution under 1983 in violation of plaintiff other constitutional rights violation of substantive Due process right and under the fourth Amendment right to free from unreasonable searches and seizure plaintiff was deprived of liberty when police filed unjustifiable false criminal charges

by 26 On plaintiff after police made A False Arrest intentionally causing prosecutors TO bring unfounded charges NOT based on the true facts of this case on plaintiff because of Racial animus and Filing False police reports, and information to the prosecution Attorney's and police officers assisted the prosecutors to ratify and direct the prosecution and the continuation of this criminal case Establishes Malicious prosecution Against police officers for withholding exculpatory evidence from the courts pertaining to this case police intentionally secured A False Identification During the interrogation that was illegal And coercive officers had NOT informed plaintiff of his Miranda rights and plaintiff had explicitly asked the officer to stop questioning plaintiff plaintiff substantive due process right has been violated And the courts are disregarding these facts pertaining to this case.

27. police came in Agreement with the public defend TO Engage in conspiracies TO deprive plaintiff of his constitutional rights TO COMMIT An unlawful Act The State attorney Acted also in conjunction with police officers and has conspired with counsel and police TO COMMIT A injury to plaintiff and deprived him of A fair trial BECAUSE counsel who was Assigned TO represent ME in the beginning of this case Richard Paul, and Deana Binstock had the knowledge of the False Arrest and police misconduct counsel also had the knowledge that plaintiff was misidentified AT A line-up And that there was A DNA match on someone else counsel was misleading ME TO believe that the DNA match was on ME And was not providing plaintiff with the right effective Assistance of counsel guaranteed under The Sixth Amendment This issues were brought TO the court And Attorney Disciplinary Commission

§ 8 both counsel's engaged in conspiracies in actual deprivation of my constitutional rights TO cover up police abuse BOTH counsel engaged in A criminal See EXHIBIT 3 TO support my complaint made TO ATTORNEY Registration Disciplinary Commission had knowledge of BOTH counsel criminal ACT And had the power TO investigate and prevent any more wrongs from counsel or Aid in preventing the wrongful ACT Both counsel retaliated on plaintiff Because the complaint made TO the courts Based on counsel criminal Misconduct, and ATTORNEY Registration Disciplinary Commission; The bias judge failed TO Apply other counsel when conflict of interest were brought TO his ATTENTION AT A early proceeding OF this case The Judge had the knowledge that BOTH counsel have engaged in misconduct involving fraud, deceit, dishonesty, misrepresentation, engaged in conduct that was prejudicial TO the Administration OF Justice in violation of the Code of Judicial Conduct Illinois Rules of professional conduct Rule 8.4 And The bias tribunal has disregarded these facts that in DAgged the proceeding of this case by the courts NOT removing counsel because of Racial Animus The Judge of this case has ALSO engaged in corruption in violation of my Equal Rights under law A.R.D.C. Judge linn failing TO remove counsel Did NOT cure counsels corruption but merely heightened both counsel prejudice And bias And conflict of interest And Affected more the ATTORNEY's performance Counsel and the STATE'S ATTORNEY geraldine D'souza in Agreement filed A false stipulation document illegally with the clerks' office That disregards for the truth of the DNA evidence TO Deprive plaintiff of his rights privileges and equal protection See EXHIBIT 3 STIPULATION document

29. This document was NOT legally certified by the clerk's Office And was NOT stamped and Dated and Filed with the clerk legally plaintiff receive many documents pertaining to this case from the clerk's office including this one that are NOT legally certified by the clerk in her record DOCKET These fabricated false documents filed illegally by counsel, STATE ATTORNEYS has been illegally holding plaintiff in custody for 2 years and several months that is now framing plaintiff to a crime he did not COMMIT Counsel has Assisted in a criminal Fraudulent Act And offered evidence that he knew to be false Counsel Also Assisted the Forensic Scientist to testify falsely when he filed a uncertified false document illegally with the clerk's office based on fabricated false DNA results And fabricated false DNA lab reports because of racial animosity this false evidence was deliberately fabricated by the government in violation of plaintiff Due process clause of the Fourteenth Amendment which the law prohibited from deliberately fabricating evidence and framing individuals to crime they did not COMMIT Manufacturing evidence and its knowing use at trial violated due process clause Fourteenth Amendment the government has fabricated false evidence And counsel false perjured testimony And forensic Scientist perjured testimony is intended to be use AT trial to obtain a wrongful conviction plaintiff has suffered deprivation of liberty through this malicious prosecution

30. The States Attorney, And Forensic Scientist, And counsel's have all conspired A criminal Act in Agreement TO impead, hinder, obstruct due TO the course of Justice with intent to deny plaintiff The Equal protection of laws This Stipulation document is fraud and untrue the document failed to reveal what type of forensic evidence was involved the document stipulated that A Group of people in the database population And the evidence sample was known TO A case offender hit According TO number 14# in the Stipulation Document there was no verification that this evidence existed or that I was the conclusive positive donor of this unknown unrevealed, specimen based on this false fabricated document that disregards for the truth of the DNA evidence The forensic scientist was not certain that his results were correct And positive And he improperly wrote A false misleading letter uncertified by the clerks office that falsely framed me with this crime that indicated improperly untruey that A DNA match existed on plaintiff knowing that I was NOT A donor of this specimen at all And there was no verification that I was the donor of this evidence Also there is no chain of custody for this evidence sample because the original pair of panties that had a seminal stain of someone else was illegally removed And Destroyed from the chain of custody there was No DNA Lab report that existed TO report and confirm that plaintiff was A suspect or A possible donor of the specimen the DNA Buccal swab was taken for the purposes TO be planted AT the crime scene of this offense And is the fruits of this illegal Arrest

3. The DNA Buccal Swab was taken unreasonable to be used for illegal purpose Christopher Webb lab Scientist on 11/22/05 Generated A DNA lab report which reported another person that was not the plaintiff As the donor of the DNA evidence on the pants before plaintiff DNA Buccal swab was taken that DNA lab reported a statistical frequency which estimated how rare the evidence profile is in various large ethnic populations And the lawyer of this case which is A public defender Quinton pitlock has failed to evaluate the DNA evidence Adequately in this case And has failed to challenge this evidence And the court judge has disregarded these facts pertaining to this case that now deprives plaintiff of A Fair trial The judge of this case have knowledge of these wrongs and conspiracies and has the power and prevent these wrongful Act but refuses to do so because of Racial animus plaintiff has been discriminated Counsel improperly removed the original description of the Attacker Identified by the victim at the time of reporting this crime Because that description did not match plaintiff at all Then counsel filed A False Fabricated Description on A False document to frame plaintiff to this crime counsel Richard paull has removed several court Documents from the record files of this case the judge and Counsel representing plaintiff now has conspired in Agreement to cover up thier illegal Acts And police officers abuse

pg. 31 31: Thier retaliation because complaints were filed on
back of the Judge of this case And plaintiff has requested
The Judicial inquiry board to conduct A investigation
on the Judge for Engagement of misconduct
That complaint has caused the Judge to retaliate
Against plaintiff And disregard all these facts
pertaining to this case the judicial inquiry
Board has failed to take corrective Actions
Against the judge for Engagement of conspiracies
and other criminal Act that were committed by
the Judge to cover up his misconduct the judge
because of his bias has filed Also false
Fabricated Documents And has Altered and
Changed motion transcripts to this case to frame
ME with this crime Internal Affairs Investigator
for the Chicago police Sergeant Kane SEE
EXHIBIT(5) has been conducting A corrupt investigation
for 10 months on police abuse plaintiff has been
deprived of his constitutional Rights when internal
Affairs Investigator Sergeant Kane conspired in
Agreement with police to file false police report
to make this arrest look legit to cover up police
illegal conduct and Abuse And to support the
prosecutors illegal theories of this case

WHEREFORE Luis A. Martinez prays that this honorable COURT Grant plaintiff SEEKING Emergency TEMPORARY preliminary Injunction under Federal Rule of civil procedure 65(a) because the prosecution of this case is instituted in bad Faith And the tribunal is bias Against plaintiff because of plaintiff race plaintiff is being denied Equal laws and now Counsel, STATE'S ATTORNEY, And Judge, Are retaliating Against plaintiff because plaintiff has filed complaints Against them And requested for them to be investigated to protect his constitutional RIGHTS TO Equal protection And A Fair trial and Now the Courts Intend to use this Manufactured Fabricated False Evidence, And Forensic Scientist perjured testimonies and other perjured testimonies TO obtain A wrongful conviction And deprives plaintiff his long recognized right to A Fair trial Secured by the Due process clause Fourteenth Amendment plaintiff is in the process of filing A civil Rights lawsuit plaintiff prays the court honors this petition And Any other facts Appropriate relief that is in the Spirit of Justice

Respect Fully
Submitted
Luis A. Martinez

EXHIBIT 1

ATTORNEY WORK PRODUCT: CONFIDENTIAL

TIMELINE: LUIS MARTINEZ

Tuesday

4/19/05

Original incident (2:30 am)

4/19/05

Vic to Hosp (late night)

Wednesday

4/20/05

Vic to Planned Parenthood

Thursday/Friday

4/21/05

Vic calls Police

Police arrive 11:40 pm (Dombeck-GOCR)

4/22/05

E.T. arrives 1:46 am (E.T. Grant)

Inventory #10520806

5/25/05

Lab Notes (K. Behle-Biology)

6/9/05

Lab Report (K. Behle-Biology)

8/3/05 DNA Developed from underwear

9/01/05 CODIS Run/Hit

10/25/05 CODIS Alert to CPD

11/22/05 Lab Report (CODIS Hit/Match)
(Christopher Webb)

1/26/06 Def. arrested at Madden (13:30)
(A/O's W. Schober-#20542/B. C. Orbitz-#10016)

17:20 E.T. arrives (Kumiga-Kumila?-#15998)

17:25 Def. Mirandized/Stmt
(Louis/Redman)
(Interview Room 239-A/3)

18:15 Swab consent signed
(Inv #10683267)

18:20 Swab done (by E.T. Kumiga)
(Inv #10683262)

21:30 Line-up conducted Def. I.d.'ed
(Molly Grierson)
(Redman-inside/Louis-outside)

Line-up advisory form
(Inv #10683372)

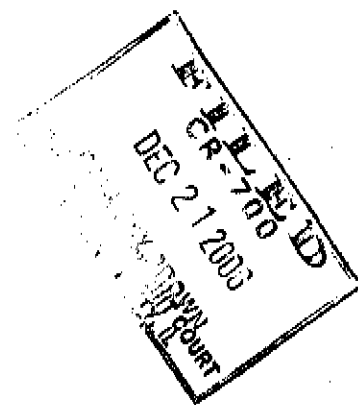
Line-up CSPR Photos
(E.T. Price #4894)

2/22/06 Request for case file

2/23/06 Buccal DNA Lab Report
(Kelly Ashion-Hand)

STATE OF ILLINOIS)
COUNTY OF COOK) SS.

EXHIBIT 1



IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT, CRIMINAL DIVISION

PEOPLE OF THE STATE OF ILLINOIS)
)
VS.) 06CR-3231
)
LUIS MARTINEZ)

ANSWER TO DISCOVERY

TO: Attorney of Record

Now come the PEOPLE OF THE STATE OF ILLINOIS, by their Attorney, RICHARD A. DEVINE, State's Attorney of Cook County, Illinois, through his Assistant, Geri D'Souza, and answer the defendant's motion for pre-trial discovery as follows:

1. (a) Bill of Particulars:

Date: On or about April 19, 2005

Time: At approximately 2:30 - 3:30 am

Location: At or near 944 W. Fullerton, Chicago, Il.

(b) The physical description of the location of the occurrence is contained in the police reports tendered to the defense in open court.

2. (a) The people may or may not call the following persons as witnesses to the trial of this cause:

Molly Grierson
Hannah Ronning
Nora Kase
ASA Nancy Wilder
Christopher Webb, ISP
Kelly Behle, ISP
Kelly Ashton Hand, ISP
Kathleen Kozak, ISP

Personnel from Lincoln Park Hospital
Personnel from Planned Parent-Hood

CPD
E.T. Kumiga #15998
D. Grant #5284

M. Dombek #17160
Det. E. Louis #20755
E.T. Price #4894
W. Schober #20542
B. Ortiz #10016
R. Peck #20711
H. Flores #11161

Personnel from Crime Lab, any person named in police reports, arrest reports, inventory sheets, medical reports, laboratory reports, Preliminary Hearing or Grand Jury transcripts, evidence reports, or any other document tendered to or available to the defense.

Any witness needed to establish the chain of custody for physical evidence sought to be introduced at trial.

(b) The following witnesses made oral statements:

None

Written statements, if any, have been tendered to the defense in open court.

(c) All memoranda reporting or summarizing oral statements made by witnesses are contained in the police reports tendered to the defense in open court.

3. The People may or may not call any or all persons listed in 2
(a) as occurrence witnesses at the scene of the offense or at the time of arrest.
4. (A) Written or recorded statements of the defendant or co-defendant(s), if any, have been tendered to the defense in open court. The date, time, and place of such statement(s), the circumstances under which it was made and the witnesses to the making or acknowledgment of the statement(s), are contained in the police reports tendered to the defense in open court.
(b) Summaries of oral statement(s) of the defendant or co-defendant(s), if any, the date, time, and place of such statement(s), the circumstances under which the statement(s) were made, and the witnesses present are contained in the police reports tendered to the defense in open court.
5. The transcript of the Grand Jury minutes and/or Preliminary Hearing, if any, will be made available to the defense for inspection and copying upon being received by the People.
6. (a) The following articles, if any, may or may not be offered into evidence by the People at the time of the

trial of this cause:

Inventory #10520806 1 pair Women's underwear.
Inventory #10683267 Consent to Collect Biological samples.
Inventory #10683262 Buccal swan collection kit.
Inventory #10683372 Photo spread advisory form.

Photographs, plats, charts, diagrams, illustrations, maps, any property inventoried by the Chicago Police Department and reflected in inventory receipts, copies of which are contained in the court file and also available for inspection and copying, certified copies of convictions and certified copies of auto records.

Any and all other property ~~mentioned in~~ the police reports, arrest reports, medical reports, laboratory reports, Preliminary Hearing or Grand Jury transcripts or any other document tendered to or available to the defense in open court.

- (b) The date, time and place of acquisition, the persons involved in the acquisition and the circumstances of the acquisition of the articles are contained in the police reports tendered to the defense in open court.
 - (c) The people will comply with all reasonable requests for inspection by the defense.
- 7. Reports of experts, if any, made in connection with this particular case, including the results of physical or mental examinations, scientific tests, examinations, and comparisons, will be tendered to the defense upon being received by the People.
 - 8. Please see 6 (a) for any books, documents, photographs, and tangible objects obtained from or which belonged to the defendant which the People may or may not use at the trial of this cause.
 - 9. The People have no knowledge at this time that any of its potential witnesses have criminal convictions.
 - 10. The People intend to use certified copies of all convictions of the defendant, if any exist, for purposes of impeachment during the trial of this cause. The record of these convictions is available for inspection.
 - 11. The People may or may not rely on the following prior acts or convictions of the defendant of a similar nature for proof of knowledge, intent, motive, scheme, or design:

None

12. The dates, times, places, circumstances, results, and persons present at any identification confrontations involved in this cause are contained in the police reports tendered to the defense in open court.

Any photographs available to the People which were used in connection with any photographic identification will be made available for inspection.

Any lineup photographs available to the People will be made available for inspection.

13. No electronic surveillance was employed in connection with this cause.

14. Any evidence which was acquired by the execution of any legal process, whether a search warrant, arrest warrant or other process or court order, is listed in 6 (a) and in the police reports and other documents tendered to the defense in open court, if such process was used.

A copy of any legal process executed in connection with this cause will be available for inspection and copy if a copy is not in the court file.

15. No informant that the People intend to call as a witness in the trial of this cause exists.

16. The People are unaware of any evidence or witnesses which may be favorable to the defense in this cause.

17. The People will comply with lawful orders of Court in this cause.

RICHARD A. DEVINE,
State's Attorney of Cook County

By:

Geri D'Souza
Assistant State's Attorney

FINAL APPROVAL

CB #: 16431078

IR #: 1143693

YD #:

RD #: HL310333

EVENT #: 0511121394

CHICAGO POLICE DEPARTMENT
ARREST REPORT3810 S. Michigan Avenue, Chicago, Illinois 60653
(For use by Chicago Police Department Personnel Only)
CPD-11.420C (REV. 6/30)

EXHIBIT 2

Name: MARTINEZ, Luis A

a.k.a Collazo, Anthony

DOB: 26 July 1978

AGE: 27 years

POB: Illinois

SSN: 318-68-4348

DLN: 63552178212M -IL

Male

White Hispanic

6' 00"

230 lbs

Brown Eyes

Brown Hair

Short Hair Style

Light Complexion

Marks: Tattoo "Laura" on Lower Right Arm

Arrest Date: 26 January 2006 13:30

TRR Completed? No

Total No Arrested: 1

Co-Arrests

Assoc Cases

Location: 1200 S First Ave

Beat: 3100

Dependent Children? No

DCFS Ward ? No

Maywood, IL

233 - Hospital Building/Grounds

Holding Facility: District 019 Male Lockup

Resisted Arrest? No

1

Offense As Cited 720 ILCS 5.0/12-14-A-2

CSA - AGG CRIML SEX ASSAULT - BODILY HARM

Class X - Type F

Victim

Grierson, Molly

Felony Review : Approved 26 JAN 2006 23:58

Wilder, Nancy

State's Attorneys's Office

NO NARCOTICS RECOVERED

06 104098

MARTINEZ, Luis

Chicago Police Department - ARREST Report

NO WARRANT IDENTIFIED

Name: GRIERSON, Molly
 Res: 910 W Belden Ave, #308
 Chicago, IL
 720-480-6849
 OTH : 330-3240720

Beat: 1812

Female
 White
 DOB: 15 March 1986
 Age: 19 years
 Comments:

Injured? No Deceased? No

Hospitalized? No
 Lincoln Park Hospital
 Treated and Released Yes

NO ARRESTEE VEHICLE INFORMATION ENTERED

Confiscated Properties :

All confiscated properties are recorded in the e-Track System. This system can be queried by the inventory number to retrieve all official court documents related to evidence and/or recovered properties.

PROPERTIES INFORMATION FOR MARTINEZ, Luis, NOT AVAILABLE IN THE AUTOMATED ARREST SYSTEM.

(The facts for probable cause to arrest AND to substantiate the charges include, but are not limited to, the following)

Event #21394 This is an arrest by The Great Lakes Regional Fugitive Task Force. The above subject was wanted for investigative alert # 299933627. The above was identified by C.O.D.I.S. hit Via DNA match. The above also fits the description of the wanted offender. The victim was attacked on the street and the offender forcibly pulled her clothes off after knocking her to the ground. The offender then forcibly had intercourse with the victim. The offender then fled the scene. The above subject was located and arrested. He was advised of his rights and transported to Area Three.

Desired Court Date:

Branch:

Court Sgt Handle? No

Initial Court Date: 27 January 2008

Branch: 66 2600 S CALIFORNIA - Room 101

Docket #:

BOND INFORMATION NOT AVAILABLE

CB #: 16431078

MARTINEZ, Luis

Chicago Police Department - ARREST Report

I hereby declare and affirm, under penalty of perjury, that the facts stated herein are accurate to the best of my knowledge, information and/or belief.

Attesting Officer: #20542 SCHOBBER, W (PC0H317) 26 JAN 2006 15:04

			Beat
1st Arresting Officer:	#20542	SCHOBBER, W (PC0H317)	5643
2nd Arresting Officer:	#10016	ORTIZ, B C (PC0E936)	5643

Approval of Probable Cause : #41 RYAN, M N (PC0P136) 26 JAN 2006 15:59

ORIGINAL COPY

CB #: 16431078

MARTINEZ, Luis

Chicago Police Department - ARREST Report

Holding Facility: District 019 Male Lockup
 Received in Lockup: 26 January 2006 16:51
 Prints Taken: 26 January 2006 16:43
 Photograph Taken: 26 January 2006 16:49
 Released from Lockup:

Time Last Fed:
 Time Called: Phone#:
 Cell #: 5-2
 Transport Details : 1PO 5643 26-JAN-2006 13:33

Is there obvious pain or injury? No
 Is there obvious signs of infection? No
 Under the influence of alcohol/drugs? No
 Signs of alcohol/drug withdrawal? No
 Appears to be despondent? No
 Appears to be irrational? No
 Carrying medication? No

Presently taking medication? No
 (If female)are you pregnant? No
 First time ever been arrested? No
 Attempted suicide/serious harm? No
 Serious medical or mental problems? No
 Are you receiving treatment? No

Name : REFUSED

Res:

Beat:

NO INTERVIEWS LOGGED

NO VISITORS LOGGED

MOVEMENT LOG INFORMATION NOT AVAILABLE

CB #: 16431078

MARTINEZ, Luis

Chicago Police Department - ARREST Report

Watch Commander Comments:

DOES NOT APPLY TO THIS ARREST

			Beat
Searched By:	JETTNER SR, M G (PC0C841)		
Lockup Keeper:	#16674 DE FRANCE, W D (PC0H019)		
Assisting Arresting Officer:	#11181 FLORES JR, H (PC0S171)		5643
Assisting Arresting Officer:	#20711 PECK JR, R E (PC0N160)		5643
Fingerprinted By:	#16674 DE FRANCE, W D (PC0H019)		
Detective :	#20910 Redman, Charles A (PC0N318)	26 JAN 2006 23:58	5315

Beat

Final Approval of Charges : #58 MC GOVERN, J F (PC0P907) 27 JAN 2006 00:07

6612

(Court Branch)

(Court Date)

FELONY

CCCR N862-100M-8/8/01 (13480677)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

The People of Illinois
Plaintiff

COMPLAINT FOR PRELIMINARY EXAMINATION

NO.

04104095

Luis MARTINEZ

Defendant

Molly GRIERSON

(Complainant's Name Printed or Typed)

complainant, now appears before

The Circuit Court of Cook County and states that

Luis MARTINEZ

(Defendant)

(Address)

has, on or about

19 Apr 2005

(Date)

at 944 W. Fullerton, Chicago, Cook County, Illinois

(Place of offense)

committed the offense of Aggravated Criminal Sexual Assault in that he/she

intentionally committed a criminal sexual assault against Molly Grierson on that by the use of
force and inso doing caused bodily harm to Molly Grierson by holding her down by her
wrist caused great bruising.

In violation of 720

(Chapter)

ILCS 5

(Act)

12-14(a)(2)

(Section)

--	--	--	--	--	--	--

CHARGE CODE

Molly Grierson
 (Complainants Signature)

STATE OF ILLINOIS
COOK COUNTY

is

(Complainants Address)

(Telephone No.)

Molly GRIERSON

(Complainant's Name Printed Or Typed)

being first duly sworn, his/her

complaint by him/her subscribed and that the same is true.

on oath, deposes and says the he/she read the foregoing

FILED
 APR 27 2008
 DOROTHY BROWN
 CLERK OF CIRCUIT COURT

Molly Grierson
 (Complainants Signature)

Subscribed and sworn to before me

D. Brown
 (Judge or Clerk)

I have examined the above complaint and the person presenting the same and have heard evidence thereon, and am satisfied that there is probable cause for filing same. Leave is given to file said complaint.

Summons Issued,

Judge

Judge's No.

or
Warrant Issued,

Bail set at,

or
Bail set at

Judge

Judge's No.

DOROTHY BROWN. CLERK OF THE CIRCUIT COURT OF COOK COUNTY
 FILE COPY

varieties long grown in northeastern France such as Chardonnay, the "king of whites," and reds such as Pinot and Gamay noir, are close relatives.

- **DNA Banks for Endangered Animal Species**

EXHIBIT 2

- **Poached Animals**

- **Declining Grizzly Bear Population**

- **Snowball the Cat**

A woman was murdered in Prince Edward Island, Canada. Her estranged husband was implicated because a snowy white cat hair was found in a jacket near the scene of the crime, and DNA fragments from the hair matched DNA fragments from Snowball, the cat belonging to the husband's parents. *M. Menotti-Raymond et al.*, "Pet cat hair implicates murder suspect," *Nature*, 386: 774, 1997.

- **Angiosperm Witness for the Prosecution**

The first case in which a murderer was convicted on DNA evidence obtained from a plant was described in the PBS TV series, "Scientific American Frontiers." A young woman was murdered in Phoenix, Arizona, and a pager found at the scene of the crime led the police to a prime suspect. He admitted picking up the victim, but claimed she had robbed him of his wallet and pager. The forensic squad examined the suspect's pickup truck and collected pods later identified as the fruits of the palo verde tree (*Cercidium spp.*). One detective went back to the murder scene and found several Palo Verde trees, one of which showed damage that could have been caused by a vehicle. The detective's superior officer innocently suggested the possibility of linking the fruits and the tree by using DNA comparison, not realizing that this had never been done before. Several researchers were contacted before a geneticist at the University of Arizona in Tucson agreed to take on the case. Of course, it was crucial to establish evidence that would stand up in court on whether individual plants (especially Palo Verde trees) have unique patterns of DNA. A preliminary study on samples from different trees at the murder scene and elsewhere quickly established that each Palo Verde tree is unique in its DNA pattern. It was then a simple matter to link the pods from the suspect's truck to the damaged tree at the murder scene and obtain a conviction. [WNED-TV (PBS - Buffalo, N.Y.)]

DNA Forensics Databases

National DNA Databank: CODIS

The COMbined DNA Index System, CODIS, blends computer and DNA technologies into a tool for fighting violent crime. The current version of CODIS uses two indexes to generate investigative leads in crimes where biological evidence is recovered from the crime scene. The Convicted Offender index contains DNA profiles of individuals convicted of felony sex offenses (and other violent crimes). The Forensic index contains DNA profiles developed from crime scene evidence. All DNA profiles stored in CODIS

are generated using STR (short tandem repeat) analysis.

CODIS utilizes computer software to automatically search its two indexes for matching DNA profiles. Law enforcement agencies at federal, state, and local levels take DNA from biological evidence (e.g., blood and saliva) gathered in crimes that have no suspect and compare it to the DNA in the profiles stored in the CODIS systems. If a match is made between a sample and a stored profile, CODIS can identify the perpetrator.

This technology is authorized by the DNA Identification Act of 1994. All 50 states have laws requiring that DNA profiles of certain offenders be sent to CODIS. As of August 2007, the database contained over 5 million DNA profiles in its Convicted Offender Index and about 188,000 DNA profiles collected from crime scenes but which have not been connected to a particular offender.

(source:<http://www.fbi.gov/hq/lab/codis/clickmap.htm>)

As more offender DNA samples are collected and law enforcement becomes better trained and equipped to collect DNA samples at crime scenes, the backlog of samples awaiting testing throughout the criminal justice system has increased dramatically. In March 2003 President Bush proposed \$1 billion in funding over 5 years to reduce the DNA testing backlog, build crime lab capacity, stimulate research and development, support training, protect the innocent, and identify missing persons. For more information, see the U.S. Department of Justice's Advancing Justice Through DNA Technology.

More on CODIS

- CODIS: Combined DNA Index System - Information from the FBI.
- The FBI Laboratory's Combined DNA Index System Program - Enter regional information to learn more about CODIS in your area of the world. From Promega Corporation, a major supplier of reagents and other materials to support molecular biology research.
- National Commission on the Future of DNA Evidence
- Postconviction DNA Testing: Recommendations for Handling Requests - Report from the National Commission on the Future of DNA Evidence
- What Every Law Enforcement Officer Should Know About DNA Evidence (September 1999) - Report from the National Commission on the Future of DNA Evidence
- Slide Show: Forensic DNA Legislation 2002 - A look at states' CODIS legislation
- Ethics of State DNA Collection (2004 meeting presentations and handouts from National Conference of State Legislatures' Criminal Justice Program, Genetic Technologies Project and Center for Ethics in Government)

Ethical, Legal, and Social Concerns about DNA Databanking

The primary concern is privacy. DNA profiles are different from fingerprints, which are useful only for identification. DNA can provide insights into many intimate aspects of a person and their families including susceptibility to particular diseases, legitimacy of



ATTORNEY REGISTRATION AND DISCIPLINARY COMMISSION
of the
SUPREME COURT OF ILLINOIS

One Prudential Plaza
130 East Randolph Drive, Suite 1500
Chicago, IL 60601-6219
(312) 565-2600 (800) 826-8625
Fax (312) 565-2320

One North Old Capitol Plaza, Suite 333
Springfield, IL 62701
(217) 522-6838 (800) 252-8048
Fax (217) 522-2417

EXHIBIT 3

Luis A. Martinez
20060007243
P.O. Box 089002
Chicago, IL 60608

Chicago
August 2, 2007

Re: Richard H. Paull Deana M. Binstock
No. 07 CI 14 No. 07 CI 2253

Dear Mr. Martinez:

We have received your recent request for an investigation of Richard Paull and Deana Binstock.

We have again determined that your complaints relate primarily to the attorneys' competence and effectiveness as your defense counsel. Because allegations of ineffective assistance of counsel are appropriately addressed and resolved in the courts, this Commission will not consider such allegations unless a court has first found that the attorney was ineffective.

If, in the future, any court finds that either attorney failed to represent you effectively, we again invite you to send us a copy of the court's decision. At that time, we will determine whether further action by this office may be warranted. Until such time, we will take no further action with respect to your requests.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Althea K. Welsh".

Althea K. Welsh
Senior Counsel

AKW:ck
MAINLIB_#267490_v1

EXHIBIT 3

STATE OF ILLINOIS

COUNTY OF COOK

)
) SS.
)

IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT-CRIMINAL DIVISION

PEOPLE OF THE STATE OF ILLINOIS

vs.

06 CR 3231

LUIS MARTINEZ

)
)
)
)
)

STIPULATION

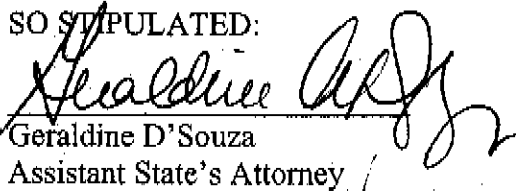
NOW COME the People of the State of Illinois, by their Attorney, RICHARD A. DEVINE, State's Attorney of Cook County, Illinois, by Geraldine D'Souza, Assistant State's Attorney, and Richard Paull and Deana Binstock, on behalf of the defendant Luis Martinez. It is hereby stipulated that:

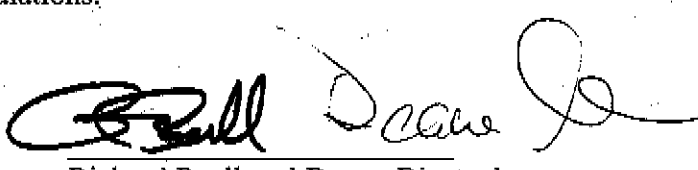
1. If called to testify, Taylor Scott would testify that he is currently a Forensic Scientist in the DNA Indexing Laboratory of the Illinois State Police Forensic Sciences Command.
2. Mr. Scott would be qualified by this court as an expert in the field of Forensic DNA Analysis specifically in the area of indexing convicted offender database samples.
3. Mr. Scott would testify that DNA samples from convicted offenders are received at the Indexing Laboratory through the United States Postal Service along with other mail items.
4. Mr. Scott would further testify that there is not an evidentiary chain of custody maintained on the DNA samples from convicted offenders as required by the Illinois State Police Forensic Sciences Command for evidence.

5. ✓ That the convicted offender samples are not considered evidence samples.
6. That these convicted offender samples are collected and analyzed for upload into the DNA database to provide investigative leads in criminal investigations.
7. ✓ That when an association is made between a convicted offender sample and an evidence sample, a representative from the Indexing Laboratory verifies that the convicted offender legally belongs in the database prior to releasing any information to law enforcement.
8. That this verification was completed in the case involving Luis Martinez.
9. That a thumbprint of the convicted offender is recorded on the submission paperwork at the time the buccal swab of that offender is collected.
10. That when an association is made between a convicted offender sample and an evidence sample, a qualified latent fingerprint examiner verifies that the thumbprint on the submission paperwork from the convicted offender matches the thumbprint on a reliable ten-print arrest card, already on file, of that same convicted offender.
11. ✓ That this thumbprint verification was completed in the case involving Luis Martinez.
12. ✓ That this verification process also entails DNA analysis of an additional buccal swab from the convicted offender sample kit, which verifies the DNA profile in CODIS is correct. This is known as Sample Verification, which is performed with each case-to-offender hit before results are released to law enforcement.

13. ✓ Taylor Scott would further testify that on October 20, 2005, he sent a letter to Kathleen Kozak, the CODIS Administrator at ISP Forensic Science Center at Chicago, regarding the Sample Verification. If shown a copy of that letter, he would identify it as the letter he sent and it would be admitted into evidence as Defendant's # _____
14. ✓ That the association between a convicted offender sample and an evidence sample is known as a case-to-offender hit. That this search is a preliminary association to the suspect and after verification, this hit requires confirmatory forensic DNA analysis.
15. That this confirmatory DNA analysis consists of a new buccal swab taken from the suspect, pursuant to the investigation.
16. This confirmatory standard is collected under an evidentiary chain of custody as required by the Illinois State Police Forensic Sciences Command for evidence.
17. ✓ This confirmatory DNA analysis is known as a Hit Confirmation.
18. ✓ That after confirmatory DNA analysis, a laboratory report is generated which reports the suspect as a possible donor of the evidence sample and reports a statistical frequency which estimates how rare the evidence profile is in various large ethnic populations.

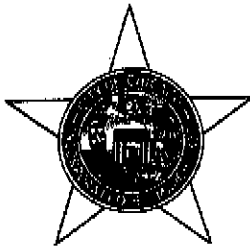
SO STIPULATED:


Geraldine D'Souza
Assistant State's Attorney


Richard Paull and Deana Binstock
On Behalf of Luis Martinez

EXHIBITS

OFFICE OF PROFESSIONAL STANDARDS



10 W. 35th St., Suite 1200
Chicago, IL 60616
(312)745-3609

Ilana Rosenzweig, Chief Administrator

7 November 2007

Luis Martinez ID#2006-000-7243
P. O. Box 089002
Chicago, IL 60608
Div. 8 Rtu B3

Dear Mr. Martinez:

Your letter dated October 17, 2007, addressed to the Office of Professional Standards, was given to me for a response.

The Office of Professional Standards registers all complaints against Police Department members and is responsible for conducting investigations of complaints involving allegations of excessive force and domestic violence. All other complaints are forwarded to the Internal Affairs Division.

Your information was issued Log#1007001 and was forwarded to the Internal Affairs Division for their information and review. If you have any questions regarding your complaint please contact the Internal Affairs Division at 312-745-6349 between the hours of 8:30-5:00 p.m. or in writing to:

Chicago Police Department
Attention: Internal Affairs Division
3510 S. Michigan Ave
Chicago, Illinois 60653

Sincerely,

A handwritten signature in black ink that reads "Ilana B. R. Rosenzweig".

Ilana B. R. Rosenzweig
Chief Administrator
Office of Professional Standards

IBRR/ac



EXHIBITS

Richard M. Daley
Mayor

Department of Police • City of Chicago
3510 S. Michigan Avenue • Chicago, Illinois 60653

Jody P. Weis
Superintendent of Police

January 30, 2008

Luis Martinez
2006-000-7243
DIU 8 RTM D-1
P.O. Box 089002
Chicago, IL 60608

Dear Mr. Martinez:

Please be advised that Sergeant Kane of the Internal Affairs Division has been assigned this investigation and your letters have been forwarded to her.

This is an internal investigation into your allegations. This is separate from your criminal trial. When the investigation is complete, you will need a subpoena to obtain the information you requested due to the fact that the contents of Internal Affairs Division investigations are only released by court order.

Sincerely,

A handwritten signature in cursive script that reads "Debra Kirby" with a circular mark at the end.

Debra Kirby
Assistant Deputy Superintendent
Internal Affairs Division

DK/bf

C:\Documents and Settings\pdclogh\My Documents\Citizen Letters\2008 L Martinez.doc

Attorney Jill W. Landsberg
Chair
 Honorable John O. Steele
Vice Chair
 Honorable Donald C. Hudson
 John E. Kreisler
 Attorney Tom Leahy
 Raymond J. McGury



Exhibit 6

Attorney Kathy D. Twine
Executive Director
General Counsel
 100 West Randolph Street
 Suite 14-500
 Chicago, Illinois 60601-3233
 312/814-5554
 800/227-6429
 TDD 312/814-1851
 FAX 312/814-5719

STATE OF ILLINOIS JUDICIAL INQUIRY BOARD

September 13, 2007

Mr. Luis Martinez
 2006-0007243
 P.O. Box 089002
 Chicago, Illinois 60608

Dear Mr. Martinez:

The Judicial Inquiry Board ("Board") received your request for an investigation of an Illinois state court judge. The Board will discuss your request to determine whether it has jurisdiction and if so, whether an investigation or other Board action is warranted. Kindly be advised that the Board's action does not include legal assistance or intervening in any court case. Therefore, if you have an active court case, you must continue to proceed with whatever remedies that may be available to you within the court system.

It is important for you to note that pursuant to the Illinois Constitution and the Board's Rules of Procedure, the Board is prohibited from sharing with you or anyone outside of our agency the details of any investigation or action taken in lieu of or prior to filing a complaint with the Illinois Courts Commission ("the Commission"). Only those documents filed with the Commission during the prosecution of a matter becomes public record. However, after the Board has made its final determination and taken all warranted action, you will receive written notification of its determination.

Also be advised that the Board does not have jurisdiction to investigate allegations of misconduct against attorneys, court personnel, police officers, or anyone other than active judges of the State of Illinois.

Very truly yours,

Kathy D. Twine
 Executive Director &
 General Counsel

KDT: mp

Attorney Jill W. Landsberg
Chair
Honorable John O. Steele
Vice Chair
Honorable Donald C. Hudson
John E. Kreisler
Attorney Tom Leahy
Raymond J. McGury



Exhibit 6

STATE OF ILLINOIS
JUDICIAL INQUIRY BOARD

Attorney Kathy D. Twine
Executive Director
General Counsel
100 West Randolph Street
Suite 14-500
Chicago, Illinois 60601-3233
312/814-5554
800/227-9429
TDD 312/814-1881
FAX 312/814-5719

February 13, 2008

Mr. Luis Martinez
#2006-000-7243
P. O. Box 089002
Chicago, IL 60608

Dear Mr. Martinez:

The Judicial Inquiry Board ("Board") has concluded its review of the allegations raised in your complaints against an Illinois state court judge and has determined to close the complaints. The Board's determination to close the complaints is in no way an opinion as to the merits of your court case.

Please note that the Board is prohibited, pursuant to the confidentiality provisions contained in its Constitutional authority and Rules of Procedure, from disclosing specifics regarding its decision, findings or information about its deliberations of any matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kathy D. Twine".

Kathy D. Twine
Executive Director &
General Counsel

KDT: mp



6
EXHIBIT 7

ILLINOIS STATE POLICE
Division of Forensic Services

Rod R. Blagojevich
Governor

Larry G. Trent
Director

October 20, 2005

Forensic Scientist Kathleen Kozak
Illinois State Police
Forensic Science Center at Chicago
1941 West Roosevelt Road
Chicago, IL 60608-1229

Dear Ms. Kozak:

A search of the Illinois DNA Index on September 12, 2005 resulted in a computer match between specimen number C05-23506-1BF2 and Illinois convicted offender specimen number I04-050571. The convicted offender information and DNA profile have been examined and are verified. The convicted offender name and date of birth listed below are as they appear on the sample receipt. Other names and dates of birth may exist for this individual.

Louis Martinez
DOB 7/26/1978
SID# IL36686060

Our policy recommends that the law enforcement agency obtain an additional biological sample from this subject and submit the sample to your laboratory for reanalysis. Please do not hesitate to contact me at (217) 782-4975 if you have any questions.

Sincerely,

Taylor C. Scott III
Forensic Scientist

904

F

F. Under the old English criminal law, this letter was branded upon felons upon their being admitted to clergy; as also upon those convicted of fights or frays, or falsity. Federal Reporter, First Series.

F.2d. Federal Reporter, Second Series.

F.A.A. Federal Aviation Administration. In maritime insurance means: "Free of all average", denoting that the insurance is against total loss only.

Fabrica /fábraka/. In old English law, the making or coining of money.

Fabricare /fábrakériy/. Lat. To make. Used in old English law of a lawful coining, and also of an unlawful making or counterfeiting of coin. Used in an indictment for forging a bill of lading.

Fabricate. To invent; to devise falsely.

Fabricated evidence. Evidence manufactured or arranged after the fact, and either wholly false or else warped and discolored by artifice and contrivance with a deceitful intent. To fabricate evidence is to arrange or manufacture circumstances or *indicia*, after the fact committed, with the purpose of using them as evidence, and of deceitfully making them appear as if accidental or undesigned. To devise falsely or contrive by artifice with the intention to deceive. Such evidence may be wholly forged and artificial, or it may consist in so warping and distorting real facts as to create an erroneous impression in the minds of those who observe them and then presenting such impression as true and genuine. See also **Fabricated fact**.

Fabricated fact. In the law of evidence, a fact existing only in statement, without any foundation in truth. An actual or genuine fact to which a false appearance has been designedly given; a physical object placed in a false connection with another, or with a person on whom it is designed to cast suspicion. See also **Deceit**; **Fraud**.

Fabric lands. In old English law, lands given towards the maintenance, rebuilding, or repairing of cathedral and other churches.

Fabula /fábyala/. In old European law, a contract or formal agreement; particularly used in the Lombardic and Visigothic laws to denote a marriage contract or a will.

Face. The surface of anything, especially the front upper, or outer part or surface. That which particularly offers itself to the view of a spectator. The words of a written paper in their apparent or obvious meaning, as, the face of a note, bill, bond, check, draft, judgment record, or contract. The face of judgment for which it was rendered exclusive interest. *Cunningham v. Great Southern Life Co.*, Tex.Civ.App., 66 S.W.2d 765, 773.

Face amount. The face amount of an instrument that, shown by the mere language employed, excludes any accrued interest. See **Face of instrument**; **Face value**.

Face amount insured by the policy. Within statute relating to extended life insurance, means the amount which is, in all events, payable under the policy straight life insurance without regard to additional features such as accident or disability insurance. *Wilkins v. Metropolitan Life Ins. Co.*, 350 Mo. 165 S.W.2d 858, 861, 862; *Wilkins v. Metropolitan Life Ins. Co.*, 236 Mo.App. 586, 159 S.W.2d 354. See also **Face of policy**; **Face value**.

Face of instrument. That which is shown by the language employed, without any explanation, modification, or addition from extrinsic facts or evidence. *Investors' Syndicate v. Willcuts*, D.C.Minn., 45 900, 902. Thus, if the express terms of the policy disclose a fatal legal defect, it is said to be "void on its face." Regarded as an evidence of debt, the face of an instrument is the principal sum which it presses to be due or payable, without any addition the way of interest or costs.

Face of judgment. The sum for which it was rendered exclusive of interest.

Face of policy. A phrase which, as used in a statute forbidding life insurance policies to contain provisions for any mode of settlement at maturity of less than the amount insured on the "face of the policy" does not mean merely the first page, but denote entire insurance contract contained in the policy, including a rider attached and referred to on the page. See also **Face value**.

Face of record. The entire record in a case, not merely what the judgment recites. Every part of trial proceedings reserved in courts of record under direction of court for purpose of its records. *Permian Oil Co. v. Smith*, 129 Tex. 413, 107 S.W.2d 564, 566. "face of the record" means, in a criminal case, indictment and the verdict. See also **Record**.

which happens when the usufructuary acquires the estate, or vice versa. In either case the usufruct is extinct.

In ecclesiastical law, the union of two or more benefices in one.

In corporate law, the combination of two or more corporations into a newly created corporation. Thus, A Corporation and B Corporation combine to form C Corporation. A consolidation may qualify as a non-taxable reorganization if certain conditions are satisfied. See also Articles of consolidation; Consolidation of corporations; Merger.

Consolidation of actions. The act or process of uniting several actions into one trial and judgment, by order of a court, where all the actions are between the same parties, pending in the same court, and involving substantially the same subject-matter, issues and defenses; or the court may order that one of the actions be tried, and the others decided without trial according to the judgment in the one selected.

When actions involving a common question of law or fact are pending before the court, it may order a joint hearing or trial of any or all the matters in issue in the actions; it may order all the actions consolidated; and it may make such orders concerning proceedings therein as may tend to avoid unnecessary costs or delay. Fed.R. Civil P. 42(a); New York C.P.L.R. § 602.

See also Joinder (*Joinder of claims*).

Consolidation of cases. See Consolidation of actions.

Consolidation of corporations. Occurs when two or more corporations are extinguished, and by the same process a new one is created, taking over the assets and assuming the liabilities of those passing out of existence. A unifying of two or more corporations into a single new corporation having the combined capital, franchises, and powers of all its constituents.

Merger distinguished. In a "merger", one corporation absorbs the other and remains in existence while the other is dissolved, and in a "consolidation" a new corporation is created and the consolidating corporations are extinguished. See also Merger.

Consonant statement. A prior declaration of a witness whose testimony has been attacked and whose credibility stands impeached, which the court will allow to be proved by the person to whom the declaration was made in order to support the credibility of the witness and which but for the existence of such impeachment would ordinarily be excluded as hearsay.

Consortio malorum me quoque malum facit /kən-sórsh(iy)ow malórum mý kwókwíy málém féysat/. The company of wicked men makes me also wicked.

Consortium /kən-sórsh(iy)əm/. Conjugal fellowship of husband and wife, and the right of each to the company, society, co-operation, affection, and aid of the other in every conjugal relation. *Roseberry v. Starkovich*, 73 N.M. 211, 387 P.2d 321, 322; *Nicholson v. Blauchette*, 239 Md. 168, 210 A.2d 732, 740. Damages for loss of consortium are commonly sought in wrongful death actions, or when spouse has been seriously injured through negligence of another, or by spouse against third person alleging that he or she

has caused breaking-up of marriage. "Loss of consortium" means loss of society, affection, assistance and conjugal fellowship, and includes loss or impairment of sexual relations. *Deems v. Western Maryland Ry. Co.*, 247 Md. 95, 231 A.2d 514, 517. Cause of action for "consortium" occasioned by injury to marriage partner, is a separate cause of action belonging to the spouse of the injured married partner and though derivative in the sense of being occasioned by injury to spouse, is a direct injury to the spouse who has lost the consortium. *Peoples v. Sargent*, 77 Wis.2d 612, 253 N.W.2d 459, 471. See also Alienation of affections.

In the civil law, a union of fortunes; a lawful Roman marriage. The joining of several persons as parties to one action.

In old English law, the term signified company or society, and in the language of pleading, as in the phrase *per quod consortium amisit*, it has substantially the same meaning, viz., the companionship or society of a wife. 3 Bl.Comm. 140.

Consortship. In maritime law, an agreement or stipulation between the owners of different vessels that they shall keep in company, mutually aid, instead of interfering with each other, in wrecking and salvage, whether earned by one vessel or both.

Conspicuous place. Within the meaning of a statute relating to the posting of notices, a "conspicuous place" means one which is reasonably calculated to impart the information in question.

Conspicuous term or clause. A term or clause is conspicuous when it is so written that a reasonable person against whom it is to operate ought to have noticed it. A printed heading in capitals (as: NON-NEGOTIABLE BILL OF LADING) is conspicuous. Language in the body of a form is "conspicuous" if it is in larger or other contrasting type or color. But in a telegram any stated term is "conspicuous". A term or clause is conspicuous when it is so written that a reasonable person against whom it is to operate ought to have noticed it. Whether a term or clause is "conspicuous" or not is for decision by the court. Uniform Consumer Credit Code, § 1.301(6); U.C.C. § 1-201(10).

Conspiracy /kən-spirəsi/. A combination or confederacy between two or more persons formed for the purpose of committing, by their joint efforts, some unlawful or criminal act, or some act which is lawful in itself, but becomes unlawful when done by the concerted action of the conspirators, or for the purpose of using criminal or unlawful means to the commission of an act not in itself unlawful.

A person is guilty of conspiracy with another person or persons to commit a crime if with the purpose of promoting or facilitating its commission he: (a) agrees with such other person or persons that they or one or more of them will engage in conduct which constitutes such crime or an attempt or solicitation to commit such crime; or (b) agrees to aid such other person or persons in the planning or commission of such crime or of an attempt or solicitation to commit such crime. Model Penal Code, § 5.03.

Crime of conspiracy is distinct from the crime contemplated by the conspiracy (target crime), *Com. v.*

§ 625 ILCS 5/16-201. Parties to a crime

Sec. 16-201. Parties to a crime. Every person who commits, attempts to commit, conspires to commit, or aids, or abets in the commission of any act declared to be a crime, whether individually or in connection with one or more other persons or as principal, agent or accessory, shall be guilty of such offense, and every person who falsely, fraudulently, forcibly, or wilfully induces, causes, coerces, requires, permits, or directs another to violate any provision of this Act is likewise guilty of such offense.

(Source: P.A. 76-1586.)

Note.

This section was Ill.Rev.Stat., Ch. 95 1/2, Para. 16-201.

CASE NOTES

Analysis

Aids or Abets

- Evidence Held Sufficient

Applicability

- Parking Violations

Aids or Abets

- Evidence Held Sufficient

The evidence clearly established that defendant did aid, abet and assist a driver to leave the place of an accident without giving his name, address or motor vehicle number, and that the jury was warranted in believing that defendant not only aided and abetted the driver to leave the scene of the accident without revealing his identity, but subsequently endeavored to keep the authorities from discovering who caused the accident. *People v. Nalls*, 10 Ill. 2d 279, 139 N.E.2d 744 (1957).

Applicability

- Parking Violations

This section and 625 ILCS 5/16-202 do not impliedly establish a policy that an owner cannot be vicariously liable for municipal parking violations; these sections apply only to criminal violations of this Code. *City of Chicago v. Hertz Com. Leasing Corp.*, 71 Ill. 2d 333, 17 Ill. Dec. 1, 375 N.E.2d 1285 (1978).

PART IV -- REPRESENTATION

Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:

- (A) At preliminary hearing NONE
- (B) At arraignment and plea Richard paul, Deana Binstock, Quinton pitlock
- (C) At trial _____
- (D) At sentencing _____
- (E) On appeal _____
- (F) In any post-conviction proceeding _____
- (G) Other (state): Case still pending These ATTorneys corrupted the evidence of this case

PART V -- FUTURE SENTENCE

Do you have any future sentence to serve following the sentence imposed by this conviction?

YES () NO ☒

Name and location of the court which imposed the sentence: _____

Date and length of sentence to be served in the future _____

WHEREFORE, petitioner prays that the court grant petitioner all relief to which he may be entitled in this proceeding.

Signed on: 4/10/08
(Date)

Signature of attorney (if any)

I declare under penalty of perjury that the foregoing is true and correct.

Jim Martin
(Signature of petitioner)
2006-000-7243
(I.D. Number) COOK COUNTY Jail
26505 - California DIV 8 Rtu D-1
(Address)

REVISED 01/01/2001